

**210, 216 MEIGS ROAD AND 290 LIGHTHOUSE ROAD**  
**FINAL MITIGATED NEGATIVE DECLARATION**  
**RESPONSE TO COMMENTS**  
**DECEMBER 12, 2008**

**INTRODUCTION:**

An Initial Study was prepared for the subject project because the California Environmental Quality Act (CEQA) requires environmental assessment of the proposal. The Environmental Analyst found that, although the proposed project could potentially have significant adverse impacts related to air quality, biological resources, cultural resources, geophysical conditions, noise, public services, transportation/circulation and water resources, mitigation measures described in the Initial Study and agreed to by the applicant would reduce potential impacts to less than significant levels. In addition, recommended mitigation measures were identified to further reduce less than significant impacts associated with air quality (short-term), biological resources, hazards, transportation/circulation (short-term) issues and water resources.

A Draft Mitigated Negative Declaration (MND) was prepared. A public review period was held from September 12, 2008 to October 17, 2008. Four comment letters were received during the comment period:

1. Santa Barbara Air Pollution Control District
2. Katie Jacobs, President, Washington PTO
3. Washington School Foundation
4. Dave Odell, Tynan Group

Responses to the comments received regarding the Draft MND are provided below, and all comment letters received are attached. In some instances, the text of the Initial Study has been revised or augmented in response to comments. In some instances, mitigation measures have been added or revised.

The purpose of this document is to respond to specific comments received pertaining to environmental issues in the Draft MND. All comments will be forwarded to the Planning Commission as part of project consideration.

**Letter No. 1**

**Santa Barbara County Air Pollution Control District (SPCAPCD)**

**September 24, 2008**

This comment letter provides specific comments on the Air Quality Section of the Initial Study and general recommendations regarding odor issues and diesel particulate matter relative to sensitive receptors.

**Response:** The Initial Study has been amended to incorporate all recommended changes by the SBCAPCD, with the exception of the recommended mitigation measure regarding nuisance odors from wood-burning fireplaces. The City understands the District's concern regarding wood-burning fireplaces; however, the City's policy has been to allow homeowners to make that decision (wood-burning versus gas fireplace) for themselves. In response to all other issues raised by the SBCAPCD, both the text and required/recommended mitigation measures have been updated accordingly.

**Letter No. 2**

**Katie Jacobs, President, Washington PTO**

**September 23, 2008**

This e-mail requests a public hearing on the Draft Mitigated Negative Declaration (MND) due to concern with the enforcement/strength of the mitigation measures identified in the MND to deal with potential land use compatibility issues.

**Response:** Although a public hearing on the Draft Mitigated Negative Declaration was tentatively scheduled, said hearing was never held because the request was later withdrawn by the commenter (refer to Letter No. 3 - Washington School Foundation letter dated October 17, 2008). The concerns raised in the e-mail are raised again in Letter No. 3 and are responded to in the response to Letter No. 3 (below).

**Letter No. 3**

**Washington School Foundation**

**October 17, 2008**

This letter identifies changes to mitigation measures to address potential land use compatibility impacts. Specific changes relate to the Land Use, Aesthetics and Noise Sections of the Initial Study, related to both long- and short-term impacts. The letter also recommends a Buyer Notification requirement and requests that the LCP amendment include policy language that addresses potential land use conflicts between the school and the residences. Specific comments are also included in Attachment 1 to the letter, and a prior letter addressing many of the same issues is included as Attachment 2.

**Response:** Regarding the land use compatibility impacts, please refer to amended text under the Plans and Policy Discussion in the Initial Study. Regarding short-term construction impacts, please refer to revised text and/or mitigation measures under the Air Quality and Noise sections of the Initial Study.

Regarding long-term impacts associated with residential use of Adjusted Parcel 1, please refer to the amended text and mitigation measures in the Aesthetics and Noise sections, as well as revisions to text in the Plans and Policy Discussion in the Initial Study.

It is recognized and applauded that the project applicant and Washington School Foundation worked cooperatively and collaboratively to come up with mitigation measures to address potential impacts, both short- and long-term, between the school and the proposed subdivision. These mitigation measures have all been included in the Initial Study, although the text of some has been modified slightly. The Washington School Foundation letter requests that all specified mitigation measures be "Required Mitigation". In preparing the proposed Final Initial Study and Mitigated Negative Declaration for the project, City staff determined that, while these mitigation measures address potential impacts, not all impacts were deemed to be "significant" as it relates to an environmental analysis. As such, the short-term air quality and noise impacts were deemed potentially significant, and mitigation measures were required to mitigate impacts to a less than significant level; however, land use compatibility, aesthetics and long-term noise impacts were deemed adverse, but less than significant, and therefore mitigation measures are recommended, but are not required to mitigate a potentially significant environmental impact.

With regard to the Buyer Notification requirement, it does not specifically relate to any significant environmental impacts of the project. Therefore it is not included in the MND.

With regard to the suggestion that the LCP amendment include policy language to address potential land use compatibility issues between the school and any future residences, this issue is outside the scope of the environmental document. However, staff does not believe that this is appropriate given that the proposed LCP amendment would be a map amendment, and not an amendment of any of the text of the City's LCP. Further, should the subject proposal not come to fruition, any future development of the area in question (Adjusted Parcel 1) would be reviewed with the same scrutiny as the subject proposal, and the same types of mitigation measures and conditions of approval would likely be applied to a future development project. All documents prepared for the current project become part of the public record for the site, and would be reviewed by City staff and decision-makers as part of any future proposal.

**Letter No. 4**

**Dave Odell, Tynan Group**  
**October 17, 2008**

This letter identifies five specific comments on the document.

**Response:**

1. Mitigation measure W-7 requires the drainage plan to be designed for a 25-year storm event. The mitigation measure has been amended to explicitly state that requirement.
2. Prior Mitigation Measure A-2 (reformatted and revised as Mitigation Measures A-2 and N-7 in the proposed Final MND) is included to formalize specifically what the Single Family Design Board (SFDB) will be considering when they review the subdivision plan for preliminary and final approval. It also requires that review and approval by the SFDB take place to implement the recommended mitigation measures addressing potential land use compatibility issues.


3. Commenter is correct that the current grading plans do not incorporate the elevation changes identified in updated Mitigation Measure N-7. Therefore changes to these grading and drainage plans would be required prior to issuance of a building permit or recordation of the Final Map.
4. Staff does not see the typo identified. No changes made.
5. Limitations on construction hours have been revised. Please refer to the updated noise mitigation identified in Section 7 Noise. The intent of the revisions is to consider potential impacts to children at Washington School, as well as adjacent residents. An attempt has been made to balance these two interests, which generally have different preferred hours for construction. Comments and proposed mitigation measures received from the Washington School Foundation have also been incorporated into the identified construction hours.

## CONCLUSION

The environmental analysis demonstrates that, with the identified mitigation measures agreed to by the applicant, the project as proposed would not result in significant environmental impacts. The project therefore qualifies for a Mitigated Negative Declaration and no further analysis of alternatives is required as part of the environmental document. However, comments regarding the merits of the project, design alternatives, land use compatibility with surrounding uses and other planning issues are forwarded to decision-makers in the context of their consideration of project permits and planning policy consistency.



**Santa Barbara County  
Air Pollution Control District**

Our Vision  Clean Air

September 24, 2008

Allison De Busk  
Project Planner  
City of Santa Barbara Planning Division  
P.O. Box 1990  
Santa Barbara, CA 93102-1990

**RECEIVED**  
SEP 25 2008  
CITY OF SANTA BARBARA  
PLANNING DIVISION

**RE: 210 and 216 Meigs Road and 290 Lighthouse Road Subdivision MND**

Dear Allison:

The Santa Barbara County Air Pollution Control District (APCD) appreciates the opportunity to provide comments germane to the statutory responsibilities of our agency, on the Mitigated Negative Declaration and Initial Study for the above referenced project. In general, because of the proximity of the project to the elementary school, special considerations should be made to minimize carcinogenic diesel emissions from construction equipment. Regarding diesel emissions and the associated health risk from heavy duty diesel vehicles, California's more recent anti-idling regulations (with some exemptions) require that drivers of diesel-fueled commercial vehicles weighing more than 10,000 pounds:

- shall not idle the vehicle's primary diesel engine for greater than 5 minutes at any location,
- shall not use diesel-fueled auxiliary power units for more than 5 minutes to power a heater, air conditioner, or any ancillary equipment on the vehicle equipped with a sleeper berth, at any location.

We encourage the City to place additional requirements on heavy duty diesel delivery and haul trucks less than 10,000 pounds, and create "no idle" zones at locations, such as schools, where there is a potential for significant health risk. It may not be possible to quantify the emission reductions associated with the creation of a no idling zone. However, this feasible mitigation measure may eliminate unnecessary idling emissions and may avoid potentially significant health risk impacts.

**Specific Comments:**

1. Page 13, Setting: Please note that the City of Santa Barbara is part of the South Central Coast Air Basin (SCCAB).
2. Page 13, Clean Air Plan. Please add that the 2007 Clean Air Plan is the most recent plan that would apply to this project.
3. Page 14, Long-Term (Operational) Emissions: Please attach the detailed URBEMIS results or state the assumptions that were used to run URBEMIS 2007 version 9.2.4. For example what was assumed as the buildout year input for this project?

4. Page 14, Cumulative Impacts, Table showing CO<sub>2</sub> emissions: Please state if the net increase of 397.09 lbs/day was estimated using URBEMIS or another program.
5. Page 14, Sensitive Receptors. Historically, the air quality concern associated with drive through facilities was the potential occurrence of CO hotspots where a large number of vehicles idle. Due to the relatively low background ambient CO levels in Santa Barbara County, localized CO impacts associated with drive-through project traffic alone are not expected to exceed the CO health-related air quality standards. Therefore, CO "Hotspot" analyses are not required anymore.
6. Please revise the MND to state that sensitive receptors located on the school site could be affected by fugitive dust and diesel particulate matter (diesel PM) from construction equipment and vehicle exhaust during project site grading. Particulate emissions from diesel exhaust are classified as carcinogenic by the state of California. Therefore, control strategies will be implemented to the maximum extent feasible. Impacts associated with nuisance dust and diesel PM are considered *potentially significant, mitigable* through application of mitigation measures.
7. Page 15, Odors. Please revise to state, "Wood-burning fireplaces are the cause of many public nuisance complaints that the APCD receives during the winter months. Due to the proximity of the residences to the school, only gas fireplaces are recommended in the new residences. Gas fireplace means a fireplace or any other listed gas appliance as defined in the Uniform Mechanical Code designed to burn natural gas in a manner that simulates the appearance of a wood burning fireplace and does not burn anything other than natural gas. Therefore, project impacts related to odors are considered *less than significant*.
8. **AQ-8 Construction Dust Control – PEC.** The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holiday and weekend periods when construction work may not be in progress. The name and telephone number of such persons shall be provided to the Air Pollution Control District upon request.
9. **Air Quality –Mitigation.** Please replace with the following new measures:  
The following shall be adhered to during project grading and construction to reduce NO<sub>x</sub> and diesel PM emissions from construction equipment:  
AQ- 9. All portable diesel-powered construction equipment shall be registered with the state's portable equipment registration program OR shall obtain an APCD permit.
- AQ-10. Diesel powered equipment should be replaced by electric equipment whenever feasible.
- AQ-11. Fleet owners are subject to sections 2449, 2449.1, 2449.2, and 2449.3 in Title 13, Article 4.8, Chapter 9, of the California Code of Regulations (CCR) to reduce diesel particulate matter (PM) and criteria pollutant emissions from in-use off-road diesel-fueled vehicles. See <http://www.arb.ca.gov/regact/2007/ordiesl07/frooal.pdf>.



AQ-12. Diesel construction equipment meeting the California Air Resources Board (CARB) Tier 1 emission standards for off-road heavy-duty diesel engines shall be used. Equipment meeting CARB Tier 2 or higher emission standards should be used to the maximum extent feasible.

AQ-13. Other diesel construction equipment, which does not meet CARB standards, shall be equipped with two to four degree engine timing retard or pre-combustion chamber engines. Diesel catalytic converters, diesel oxidation catalysts and diesel particulate filters as certified and/or verified by EPA or California shall be installed.

AQ-14. Catalytic converters shall be installed on gasoline-powered equipment, if feasible.

AQ-15. All construction equipment shall be maintained in tune per the manufacturer's specifications.

AQ-16. The engine size of construction equipment shall be the minimum practical size.

AQ-17. The number of construction equipment operating simultaneously shall be minimized through efficient management practices to ensure that the smallest practical number is operating at any one time.

AQ-18. **Diesel Replacements.** Delete because it is included above or delete above.

AQ-19. **Idling Limitation.** Idling of heavy-duty diesel trucks during loading and unloading shall be limited to five minutes; electric auxiliary power units shall be used whenever possible (see general comment above).

10. **Air Quality - Residual Impacts** Implementation of Mitigation Measures AQ-1 through AQ-8 would reduce impacts related to dust generation during construction to a less than significant level. Diesel equipment emissions impacts to the occupants of the existing school would be further reduced by implementation of Mitigation Measures AQ-9 through AQ-19.

Please contact me by phone at 961-8893, or by e-mail: [VLJ@sbcapcd.org](mailto:VLJ@sbcapcd.org) if you have questions.

Sincerely,



Vijaya Jammalamadaka  
Air Quality Specialist  
Technology and Environmental Assessment Division

cc: TEA Chron File

**DeBusk, Allison L.**

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**From:** Katie Jacobs [jacobs.katie@gmail.com]  
**Sent:** Tuesday, September 23, 2008 1:23 PM  
**To:** DeBusk, Allison L.  
**Subject:** Public Hearing for MND request

Allison:

The Washington PTO would like to request a public hearing on the draft mitigated negative declaration (MND) for 210/216 Meig Road and 290 Lighthouse Road (MST2006-00476).

We believe that there are feasible mitigation measures which can minimize the potential for significant land use compatibility impacts/land use conflicts. However, we do not believe that the MND measures, as written, will accomplish this and thereby will not reduce land use compatibility impacts to less than significant levels.

We look forward to sharing our ideas and working with the City to ensure that the proposed subdivision and future residential development will be compatible with Washington School over the long-term and to avoid unnecessary expenditure of time and effort on the part of school parents, school district staff, City of Santa Barbara staff, review board members, and future owners arguing over the design parameters of future structures on the five new lots as these individual lots are developed.

Thank you,

Katie Jacobs, President

Washington PTO

10/15/2008





# Washington School Foundation

290 Lighthouse Road  
Santa Barbara, CA 93109  
(805)965-6653  
Fax (805)962-5328

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October 17, 2008

City of Santa Barbara, Planning Division  
Allison DeBusk, Project Planner  
P.O. Box 1990  
Santa Barbara, CA 93101

RE: Mitigated ND for Lighthouse Road and 210/216 Meigs Road; MST2006-00476

The Washington School PTO applauds the Tynan Group and the School District for working cooperatively on a "land swap" agreement and an improved residential development on Meigs Road.

With some minor changes to mitigation measures, we believe that the project can provide additional housing in the community, while minimizing impacts on the adjacent public elementary school. Many of the comments in this letter are consistent with the comments we provided in our letter to the Planning Commission dated March 3, 2008 for the Initiation hearing (included as Attachment 2 to this letter). However, without these modifications to mitigation measures, the Washington School PTO is concerned that the Meigs Road, 5-lot subdivision project has the potential to result in significant land use compatibility impacts associated with the both the short-term construction period and the long-term use of the future residences. These land use compatibility impacts have the potential to significantly impact school operations and elementary school students, who are considered sensitive receptors.

We feel that such impacts can be mitigated to less than significant levels with adoption of feasible, enforceable, mitigation measures incorporated into the project description and the conditions of approval for the subdivision. We have discussed the modified mitigation language with Dave O'Dell and Pete Ehlen, who are both supportive of the revised language.

## Land Use Compatibility Impacts:

*Public Services:* The project could have a significant effect upon schools.

*Public Services:* The project could involve the creation of a potential health hazard.

*Noise:* The project could result in a significant increase in short-term and intermittent noise levels and exposure of sensitive receptors to severe noise levels.

*Traffic:* The project could result in significant circulation hazards for pedestrians or bicyclists.

### Short-term Construction Period

The project has the potential to generate significant air quality impacts on sensitive receptors. Dust and fumes from paving operations have the potential to significantly impact students on-site, particularly sensitive receptors, such as young children with asthma. Development of individual homes would generate similar, but lesser impacts, dependent on the specific development and construction methods used (spraying, etc.).

Activities associated with creating the new parking lot and the tract improvements have the potential to expose students and staff to excessive noise levels. As identified by a Washington School teacher, the noise generated by one weed whacker outside of an un-insulated portable building can result in the students being unable to hear their teacher speak. Noise levels associated with a twelve plus week grading period would generate substantially greater noise levels than one weed whacker. Construction of individual residences would generate similar, but lesser impacts

Activities associated with the new parking lot and tract improvements (e.g., vehicle traffic and heavy equipment activity) also have the potential to create significant traffic safety hazards for pedestrians and bicyclists arriving and leaving the school site.

### Long-Term Use of Residences

Our previous letters to the City, including letters on the original project design, our appeal, and later letters regarding a land swap concept, identify the potential for land use conflicts between the adjacent school use and the proposed residential uses. Our March 3, 2008 letter (attached) provides comments which are more specific to the current project request. Given the differing land uses (residential and public school) and associated noise sources and activities, the project should be designed to minimize land use conflicts and to facilitate land use compatibility between these two land uses. Incorporating a development layout and future residential design parameters, as part of the subdivision approval, can minimize the potential for future land use compatibility impacts and nuisance complaints between these adjacent uses. It can also facilitate permitting of individual residences in the future.

The bottom line for the PTO is that we want to avoid the need for our school principal or district staff to spend their valuable time and tax payer money (e.g., on land use attorneys) resolving land use complaints from our new neighbors. We also want to ensure that Washington School can continue its long tradition of serving the community, offering an excellent educational environment, as well as other existing and expanded community benefits (e.g., use of play fields for sports teams practices, after school day-care and enrichment programs, special events, etc.) both during and outside of regular school hours. In addition, designing future homes on these five lots with this in mind should ensure a more comfortable living environment for the future occupants.

## Mitigation

The mitigation identified below is generally proposed to supplement the existing mitigation language in the MND. However, in cases where the proposed language is more restrictive than the existing language in the MND (e.g., (“prohibited” versus “limited to the extent feasible”)); the more restrictive language should be incorporated. While we believe that the mitigation measures below address land use compatibility impacts that can significantly impact the operation of our public school, we understand that the measures may be incorporated into existing mitigation measures in the MND which address other issue areas (e.g., aesthetics, noise, etc.). We do, however, hope that the MND will be revised to accurately reference these measures as “required” since they are necessary to mitigate potentially significant impacts to operation of a public school to less than significant levels.

**Single Family Design Board (SFDB).** Proposed project grading and landform alteration, structural design (for future single family residential development), landscaping, and lighting shall be subject to preliminary and final review and approval by the SFDB for consistency with design guidelines for views, visual aesthetics, compatibility, and lighting. The SFDB shall consider the project location adjacent to Washington School and the need for the design of future residences to minimize the potential for land use conflicts and nuisance complaints between these two land uses. The SFDB shall give attention to minimizing noise exposure between the school and residential uses, maximizing privacy between adjacent properties.

**Subdivision Layout.** The two lots fronting on Meigs Road shall be at a lower elevation than the remaining lots, to allow the remaining lots to take advantage of park and ocean views over the structures on these two lots, to the west and southwest. This will potentially reduce conflicts between the school and residential uses by reducing exposure between residential and school related noises and activities. The tract grading plan shall be revised prior to SFDB review and approval and prior to recordation of the final map to reflect lower elevations on these lots. Appropriate walls (minimum eight foot wall along common property line with school) and landscaping shall provide a clear physical and visual separation between the future housing and the existing school use.

**Design Components of Future Residences.** The following design components shall be incorporated into future development on all of the future lots comprising Adjusted Parcel 1 to minimize the potential for nuisance complaints between the school and residential uses:

- 1) Provision of an adequate, year-round landscape buffer along the Eastern property line.
- 2) All windows and ventilation features shall be oriented away from the school facilities and play areas, to the maximum extent feasible, to minimize noise exposure from school bells throughout the day, parking lot noise, and other activities associated with the school site as well as exposure of the school site to noise generated by future residents. Where windows or other ventilation features are proposed on the sides of structures facing the school, they should

be placed so as to minimize visibility into the school and conveyance of noise (i.e., clerestory windows).

- 3) The location and design of first floor decks, porches, balconies and large windows facing the school facilities and outdoor play areas shall consider the potential for exposure to noise associated with the adjacent elementary school.
- 4) Upper floor<sup>1</sup> decks, porches, and balconies facing the school facilities shall be prohibited, unless the presence of an existing residential structure already fully obstructs the proposed deck, porch or balcony from the school.
- 5) Large windows on upper floors facing the school facilities and play areas are prohibited, unless the windows are located a minimum of six feet in height above the associated floor level.
- 6) An acoustical summary shall be submitted along with each permit for new residential development. The summary shall identify the location of the following construction methods, which serve to minimize noise levels in indoor living areas in order to minimize the potential for exposure to noise from the adjacent school property and associated nuisance complaints. The following measures shall be incorporated into the development plans for the future residences:
  - Air conditioning or mechanical ventilation system installed so that exterior doors and windows may remain closed.
  - Exterior walls facing the school property shall be of 2.6 construction minimum with R-19 insulation, exterior plaster and two layers of gypsum wallboard on the interior. If a product other than plaster is proposed for the exterior the composite wall material shall weigh at least 10 lbs per square foot.
  - Roof/ceiling assemblies facing the school property shall have minimum R-19 insulation with two layers gypsum wallboard on the underside. Orient attic vents away from the school property.
  - Outside intakes for the mechanical ventilation system shall not be oriented towards the school property and shall have one-inch thick acoustical lining and at least one elbow.
  - Fireplaces shall have glass doors and flue dampers.
- 7) Consideration should be given to development of the two lots fronting on Meigs Road (lots 1 and 5), such that their development does not preclude development of Lots 2, 3, and 4 from taking advantage of views over these lots, toward the southwest. The intent is to encourage views to the west and southwest, rather than views to the east and south (toward the school).

**Site Preparation:** Grading and related activities associated with development of the new school parking lot and tract improvements for the subdivision shall take place during the school's summer break (unless mutually agreed upon by developer and school district). To ensure that grading activities are completed prior to the beginning of the new school year, some preparatory activities may be implemented outside of the summer break period. If grading activities or other excessively loud construction activities will take place while school is in session (for tract improvements or later

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<sup>1</sup> Upper floor is defined as any floor area above a first floor.



development of homes), temporary sound walls or other methods of reducing exposure of the school site to excessive noise levels shall be incorporated (as determined necessary based on input from the School District). In addition, construction hours shall not be limited to day time hours when school is in session. This flexibility facilitates completion of parking lot and tract grading outside of the regular school year and if some loud construction activities will take place during the regular school year. In addition, limiting hours for loud construction activities to the standard weekdays, essentially when school is in session, actually maximizes (rather than mitigates) exposure of sensitive student receptors to excessive noise levels.

**Buyer Notification:** Future owners and tenants shall be required to review and acknowledge acceptance (notarized) of a Buyer Notification regarding the presence of the adjacent elementary school. The Buyer Notification shall be provided by the Santa Barbara School District and shall identify examples of existing and reasonably foreseeable activities at the Washington School property and shall further specify that any inconvenience or discomfort from such school site activities will not be deemed a nuisance. The Buyer Notification shall be recorded as an exhibit with the final map.

#### Withdraw Request for Hearing on MND

The mutually agreed upon mitigation language identified above is a result of discussions and coordination between the Washington PTO, the Washington School Principal, and the applicant representatives, Dave O'Dell and Pete Ehlen. Based on this mutual agreement regarding modified mitigation measures and discussions with planning staff regarding discussion of potentially significant impacts to school operations, we would like to withdraw our request for a separate hearing on the MND.

#### LCP Amendment

The mitigation measure language above addresses mitigation measures/conditions of approval for the proposed five-lot subdivision. However, these measures only apply to the property if the subdivision request records. Therefore, separate from the mitigation measures identified above for the subdivision, we feel it is appropriate, as part of the required LCP Amendment (to change the site's zoning and land use designation to residential), to include general policy language applicable to the subject lots, which compels future development on these five lots to be designed to minimize the potential for land use conflicts between the residential use and adjacent elementary school. Such language would identify the importance of designing structures to facilitate compatibility between these differing land uses and would serve to protect Washington School, a valuable public facility and community resource. The policy language is recommended because while the rezone and general plan amendment to allow five residences on the property will take effect once the LCP Amendment is approved, the conditions of approval for the subdivision will not become effective until and unless the subdivision actually records. If the final map does not record, none of the conditions of approval which address compatibility of future development with the adjacent school use would apply to the property.

Inclusion of a general policy statement which requires future development to be compatible with the adjacent school use would not be onerous and would ensure that the necessary rezone and general plan amendment allowing for residential development on the property would be in the public interest, a finding which is required to approve these legislative acts.

Process

As parents of Washington School students and members of the community supporting our public schools, we appreciate receiving notice of and having the ability to comment on development adjacent to our elementary school. We would like to acknowledge the cooperation of the project applicants and City staff in including the Washington PTO in the review process for the Meigs Road "Land Swap" and residential development project. Thank you for considering our comments. If you have any questions please feel free to contact me at 965-6778 or [katie.jacobs@washingtonschoolfoundation.org](mailto:katie.jacobs@washingtonschoolfoundation.org) or Natasha Campbell at 962-9312.

Sincerely,



Katie Jacobs  
President

Attachment 1: Additional comments by MND page number  
Attachment 2: Washington PTO letter (3/03/08)

cc: Demian Barnett  
Brian Sarvis  
Dave O'Dell, Tynan Group

KJ:nc



## ATTACHMENT 1

### MND General Comments by Page Number

Page 4, Existing Facilities and Uses, 2<sup>nd</sup> sentence: The overflow parking area is not paved.

Page 7, 2. Housing Element, 2<sup>nd</sup> paragraph: states that the project would be subject to the SFDB, but elsewhere in the document it states that the project “may” be subject to SFDB review. If the project will not automatically be subject to SFDB review or be conditioned to require SFDB review, this should be revised accordingly.

Page 8, Noise Element: Short-term construction noise [on sensitive receptors at the school, during school hours] would not be minimized or mitigated through implementation of standard mitigation measures (e.g., limiting hours to weekdays during the standard hours that school is in session). This focuses noisy activities when kids are in school.

Page 9, Visual Aesthetics: Again, reliance on SFDB review ...

Page 10, On-site Aesthetics: Washington School PTO comments at the SFDB meeting identified concerns regarding design of future residences due to potential conflicts with adjacent school, including recommendations for design guidelines/development parameters for future development which would reduce such conflicts. SFDB directed that public comments regarding the need for design parameters for future residences were inappropriate for the meeting (although SFDB members later discussed selective tree removal and possible architectural styles).

Page 10, Lighting: See immediately preceding comment.

Page 10, Visual Aesthetic mitigation: See recommended revisions to mitigation language. These measures should be required, not recommended, to mitigate potentially significant land use compatibility impacts generated by the project. If measures are only *recommended* here, text should reference that the measures are *required* to address potentially significant land use impacts to schools.

Page 14, Air Quality: Air quality impacts to sensitive receptors during site preparation activities should be identified as potentially significant. The existing mitigation measures do not mitigate impacts to less than significant levels. See revised/supplemental measures identified in the body of our letter.

Pages 23 and 24, Noise: Noise impacts to sensitive receptors should be identified as potentially significant. The existing mitigation measures do not mitigate impacts to less than significant levels. See revised/supplemental measures identified in the body of our letter.

Page 26, Schools: The project could have a significant effect upon a public school, as described in our letter. This section should be supplemented to include discussion of potential impacts to school operations, school district resources, and sensitive receptors (elementary students) as discussed in the body of our letter.

Page 36, Mandatory Findings of Significance: d) As identified in our comments and previous letters and testimony, the project has the potential to result in environmental effects that will cause substantial adverse effects on human beings, specifically school children, either directly or indirectly. However, feasible mitigation can be required and implemented which would reduce these impacts to less than significant levels.



# Washington School Foundation

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March 3, 2008

City of Santa Barbara  
Planning Commission  
630 Garden Street  
Santa Barbara, CA 93101

RE: 210 Meigs Road (APN 45-110-011), 216 Meigs Road (APN 045-110-013),  
290 Lighthouse Road (APN 045-110-009) MST#2006-00476  
Initiation of a Re-Zone and General Plan/Local Coastal Plan Map Amendment

Dear Members of the Planning Commission:

As you are aware, parents at Washington School have been actively engaged in discussions on the proposed 210 Meigs Road development for several years. Due to potential conflicts raised by the first Tynan Group development proposal, our PTO (and, separately, the Santa Barbara School District) appealed the Planning Commission approval of the 210 Meigs Road condominium project to the Santa Barbara City Council.

We are pleased that an alternative development design is being seriously considered that involves a lot line adjustment of the school and Stevens properties, and would support a project that included recommendations from the PTO outlined below. The Memorandum of Understanding (MOU) between the District and the developer is obviously the result of substantial efforts that have been put forth by District staff, the Tynan Group, and the property owner. We greatly appreciate all of their efforts. We believe that this alternative project design can be a much more compatible development with the adjacent school facilities and uses. The layout of the proposed development appropriately incorporates a much greater buffer area between school structures, play areas and activities, and the residential living areas. This general layout is a good start toward a project design that could reduce nuisance complaints between future residents and students, staff, and other visitors at the school campus.

While we concur with staff's recommendation to initiate the proposed Re-Zone and General Plan/Local Coastal Plan Map Amendments, we would also like to offer some initial comments with the goal, in the future, that development of the infrastructure for the subdivision, later individual lot development, and long-term occupation of the 5 residences, will be compatible with adjacent Washington School operations. This is critical to minimize, and hopefully avoid, future nuisance complaints between the differing residential and school land uses during the short-term construction periods and long-term use of the properties.

**Legislative Acts:** The change to the Certified Local Coastal Program should include specific policy language for these five lots, so that it is clear to future owners and City staff that development on these lots needs to be considered in relation to the adjacent school facilities and use. The policy language should specify that all future development on the lots shall be designed to be compatible with the adjacent school uses to avoid land use conflicts between the residential and school uses during both the short-term construction period and over the long-term.

**Subdivision/Future Development of Individual Lots:** The subdivision and future CDPs for tract improvements and individual lot developments should include specific conditions, which take into account the adjacent elementary school and associated activities. Effective

conditions can ensure that future grading and construction activities and development on these lots can facilitate compatibility between the new residential development and the existing school.

We understand that conditions have not yet been proposed for the actual subdivision or individual lot developments. However, we would like to offer the following suggested conditions at the earliest possible stage in the current process and have already discussed these briefly with the Tynan Group. Examples of conditions that we hope to see include the following:

- Timing and/or conditions for the construction period(s) to minimize dust, other emissions, and safety (e.g., traffic control for heavy equipment and delivery of construction materials, etc.);
- Requirement for future owners to receive and sign Buyer Beware statements that list existing and reasonably foreseeable uses and activities associated with Washington Elementary School. The statement should make it clear that Washington School is an existing use and community resource, and future residents must agree and acknowledge that they are aware of the presence and continued use of this facility. Our limited school dollars and District staff time should not be spent mediating or litigating new neighbor nuisance complaints. As long as future residents are clearly informed of the types of activities occurring next door, well thought-out development of the five lots (within the parameters set out by design guidelines) should be able to incorporate design and construction methods that minimize the potential for nuisance complaints between the residents and school operations.
- Design components to minimize land use conflicts between the residential and school uses, include, but need not be limited to:
  1. Appropriate walls and landscaping shall provide a clear physical and visual separation between the future housing and school uses;
  2. Prohibition of decks, porches, balconies, and large window features oriented or facing Washington School facilities and outdoor play areas;
  3. Orientation of windows and other ventilation features away from Washington School to the maximum extent feasible. Where windows or other ventilation features are proposed on the sides of structures facing Washington School facilities and play areas, they should be placed to minimize conveyance of noise as well as visibility such as six feet or higher above the floor elevation. (Fortunately, due to the site's location/layout, this emphasizes the placement of windows, decks, etc. toward the southwest, and allows the new structures to take advantage of passive lighting and scenic views, which are located on the opposite side of the property from Washington School). Incorporating appropriate landscaping can screen out Meigs Road, while still providing expansive scenic views of La Mesa Park, the ocean and portions of the Channel Islands.
  4. To ensure that all five lots can take advantage of the southwesterly views and passive lighting, the project could be required to include specific architectural guidelines so that the three rear lots (not fronting on Meigs Road) are not blocked out from views toward the southwest by development on the two front lots. This could avoid the easterly lots from pushing to focus their views (e.g., windows, decks) to the south, increasing students and residents' exposure to noise generated by the differing adjacent land uses. If such standards were designed to have the homes closest to the Meigs be lower in elevation (so that the rear lot developments could see over them), this would also benefit the adjacent condominiums (which were up-zoned and developed ~10 years ago) by minimizing loss of views for those units and would ensure that the scale of the new homes from the street and the adjacent park will be appropriate and not obtrusive. Given the existing elevation change between Meigs Road and the majority of the proposed housing area, having the tract grading step up the slope could allow the lots fronting on

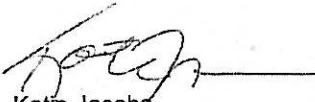
Meigs to be at a lower elevation. Minimizing visibility between the new residential and existing school land uses may also reduce conflicts, as the presence of the school uses and their associated activities would be somewhat "out of sight, out of mind" for the new residents.

While affordable housing is an important community issue, so is the maintenance, preservation and protection of valuable community resources and facilities, such as Washington School, a public elementary school in our community for over 50 years. While other properties near the Meigs Road/Cliff Drive intersection have been considered for denser housing, these other properties are not located adjacent to an existing elementary school. The bottom line is that the more residents that there are living adjacent to the school, the greater the potential for complaints from its bells, traffic, voices, after-school programs, special events, etc. This invariably takes District staff's time away from educating our students, could alter how the school currently operates, and affect how the School may improve and even expand opportunities for students and the rest of the community in the future.

The land use process appears to have worked as intended on this project. The public and the school board identified a number of concerns with the original project design as well as possible alternative design solutions. We applaud the creativity involved in addressing all of these concerns. We commend all parties involved, especially the project applicant, for being willing to look at a better project. Thank you.

We look forward to continuing to participate in the public land use process for this project.

Sincerely,

  
Katie Jacobs  
Parent, PTO President

  
Natasha Campbell  
Parent, Facilities Committee

  
Mark Ingalls  
Parent, Facilities Committee

cc: Demian Barnett, Principal, Washington School  
Santa Barbara School Board  
Santa Barbara School District

**DeBusk, Allison L.**

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**From:** Dave Odell [DOdell@tynangroup.com]  
**Sent:** Friday, October 17, 2008 2:27 PM  
**To:** DeBusk, Allison L.  
**Cc:** Leslie Hui - Medbridge  
**Subject:** MND Comments for Meigs Road Land Swap Project

Hello Allison,

We've been so busy working with Natasha on their concerns/comments, that we almost forgot about getting you our own. They are minor:

1. W-7: we'd like clarification on what storm event we would be held to. 25 years?
2. A-2 seems redundant given that SFDB will have their say.
3. A-1 and A-2: we'd like clarification on the grading for lots 1 & 5 regarding what is expected. It seems our current grading plan might not appear to meet what you are asking for.
4. Title for the C R section needs to be changed from Biological to Cultural Resources.
5. N-4. Please consider a change to the normal city construction hours of 7AM to 4PM.

Thanks,

Dave

David W. Odell, CPA

Executive Vice President & CFO

TynanGroup, Inc..

President

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10/17/2008